

Association of Community Tribal Schools, Inc.

Testimony before the Senate Committee on Indian Affairs concerning the

American Indian Education Foundation of 1999

Mr. Chairperson and members of the Committee, thank you for giving us the opportunity to testify before you concerning the American Indian Education Foundation of 1999. The Association of Community Tribal Schools Inc. (ACTS) represents tribal elementary and secondary schools in the states of Florida, Michigan, Wisconsin, Minnesota, South Dakota, Kansas, Arizona, New Mexico, Washington, Montana, Idaho and Louisiana. There are also tribal schools in Maine, North Carolina, Iowa, Oklahoma, North Dakota, Nevada, Wyoming, and California.

According to Table 2: Comparison Between Bureau of Indian Affairs and Grant Schools (1998), published by the BIA, tribal schools are as good or better than BIA operated schools in half of the categories, including:

- having a higher yearly retention rate,
- lower dropout rate, and
- higher percentage of students in the math advanced and language arts advanced achievement categories.

The BIA reports that 116 (63%) of the BIA funded schools are tribal controlled schools and 29,222 (58%) of the students are in tribal schools. The BIA also reports that 13 additional

schools will transfer from BIA domination to tribal management over the next two years. By the start of the 2000-2001 (FY 00) school year, 70% of the BIA funded schools may be, tribally managed and 63% of the students could be in tribal schools. Tribal schools have had many other successes over the last 30 years and with the continued support of Congress they will continue to improve and provide quality education for their children.

ACTS supports the basic purposes of the American Indian Education Foundation Act of 1999. We do have some specific recommendations that we feel will make the Act more responsive to our clients.

21601. Organization

- The domicile of the Foundation should be allowed to be anywhere in the United States and not just the District of Columbia.

21602. Establishment and Purposes

- The bill should allow the Foundation to encourage, accept and administer public as well as private gifts of real and personal property.

21603. Governing Body

- Of the eleven board members at least six of them should be from tribal governments or their designees and the other four from diverse populations.

21604. Powers

21605. Principal office

21606. Services of process

The foundation should comply with the laws of tribes and then laws of states.

21607. Liability of officers

- The Foundation should be required to purchase Errors and Omissions Insurance as well as General Liability Insurance equal to two times the total assets of the Foundation.

21608. Restrictions

21609. Transfer of donated funds

- The Foundation should be able to accept funds from other federal departments and agencies. The other departments and agencies could be required to contribute any unobligated funds to the foundation.
- The Foundation should be listed as an allowable deduction to all federal employees with a small matching amount from the employer.
- The Foundation should be listed for individual Indians/Alaska Natives and tribes so that they could donate their trust funds to the Foundation.

Section 3. Initial Period After Establishment.

- The Foundation should be annually audited by an independent firm and the audit report should be given to the Congress and the federally recognized tribes who have BIA funded schools within their Nation's boundaries.
- The required reports should also go to the federally recognized tribes who have BOA funded schools within their Nation's boundaries.
- The Secretary should be required to provide at least I person including necessary Facilities and other administrative expenses until the annual Foundation revenue reaches \$ 2,000,000,
- The personnel hired under this Act should be considered a contract employee to the foundation much the same way as teachers in Bureau funded schools.
- The Foundation should not required to reimburse the Secretary until the annual Foundation revenue reaches \$ 2,000,000.

- The Secretary should be allowed to continue providing facilities as long as necessary at no cost to the Foundation up to a maximum of 2,500 square feet.

In closing, we would like to request that the committee pass the American Indian Education Foundation Act of 1999 with the recommendations we have proposed. We hope that the Foundation can begin operation immediately upon passage by Congress and signature by the President of the United States.